

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:15-CR-59-F-3

UNITED STATES OF AMERICA

vs.

RICKY FRANKS,

Defendant.

ORDER

Before the court are the following motions: (1) Defendant's second motion to reconsider [DE 172] and (2) the Government's motion [DE 173] seeking an extension of time to respond to that motion. Defendant's motion is properly construed as a renewed motion for return of property pursuant to Rule 41 (g) of the Federal Rules of Criminal Procedure.

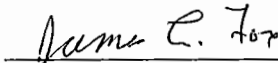
In its July 21, 2016 Order, the court advised that it would not consider a renewed motion for return of property until after the Fourth Circuit rules on the appeals of Defendant's co-defendants. [DE 171]. The court also directed the Government to file a notice no later than August 31, 2016, advising as to (a) whether the seizure of Defendant's personal belongings included his license and wallet; and if so, whether these items are deemed lost, and (b) the status of the FBI investigation in the District of New Jersey. The court cannot make an informed decision in this matter until the resolution of the appeals of Defendant's co-defendants and the court's receipt of the Government's notice.

For the foregoing reasons, it is ORDERED as follows:

- (1) Defendant's motion [DE 172] is DENIED; and
- (2) The Government's motion [DE 173] is dismissed as MOOT.

SO ORDERED.

This the 4th day of August, 2016.



JAMES C. FOX
Senior United States District Judge